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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEBRA ZANCA, on behalf of herself and all others similarly
situated,

Plaintiff,

-against-

MOON JUICE LLC,

Defendant.

1:20-cv-06968-MKV

ORDER OF DISMISSAL

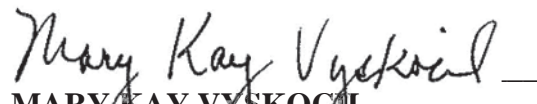
MARY KAY VYSKOCIL, United States District Judge:

Plaintiff filed the Complaint on August 27, 2020 [ECF No. 1]. Proof of service filed with the Court on September 17, 2020, reflects that Defendant was served with the Complaint on September 10, 2020 [ECF No. 5]. On September 29, 2020, the Court endorsed a stipulation filed by Plaintiff extending the time for Defendant to answer or otherwise respond to the Complaint to October 23, 2020 [ECF No. 7]. On January 6, 2021, the Court set a deadline of February 15, 2021, for Plaintiff to move for default judgment, warning that failure to do so may result in dismissal for failure to prosecute [ECF No. 8]. To date, Plaintiff has failed to move for default judgment.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by **March 19, 2021**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Date: February 17, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge